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HOUSE BILL 806

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Daniel P. Silva

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR VEHICLES; MAKING ADJUSTMENTS TO THE TRIP TAX;
MAKING ADJUSTMENTS TO CERTAIN SPECIAL PERMIT FEES AND
DESIGNATING THE FEES AS "CARAVAN FEES"; MAKING ADJUSTMENTS TO
FEES FOR DRIVE-OUT PERMITS; CHANGING REQUIREMENTS FOR VEHICLES
THAT MAY OBTAIN SPECIAL PERMITS FOR EXCESSIVE WEIGHT; DECLARING
AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-15-3.1 NMSA 1978 (being Laws 1943,
Chapter 125, Section 12, as amended) is amended to read:

"7-15-3.1. TRIP TAX--COMPUTATION.--

A. For the purpose of providing funds for the
construction, maintenance, repair and reconstruction of this
state's public highways, a use fee, to be known as the "trip
tax", is imposed in lieu of registration fees and the weight

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1 distance tax on the registrant, owner or operator of any
2 foreign-based commercial motor carrier vehicle that is:

3 (1) not registered in this state under
4 interstate registration;

5 (2) not registered in this state under
6 proportional registration;

7 (3) not subject to a valid reciprocity
8 agreement;

9 (4) not registered as a foreign commercial
10 motor carrier vehicle under short-term registration;

11 (5) not registered under an allocation of
12 one-way rental fleet vehicles; and

13 (6) not exempted from registration and the
14 payment of any registration fees and not exempted from the
15 payment of the trip tax under Section 65-5-3 NMSA 1978.

16 B. Except as provided otherwise in Subsections C
17 and D of this section, the trip tax shall be computed as
18 follows:

19 (1) when the gross vehicle weight or
20 combination gross vehicle weight exceeds twelve thousand pounds
21 but does not exceed twenty-six thousand pounds, [~~five cents~~
22 ~~(\$.05)~~] seven cents (\$.07) a mile for mileage to be traveled on
23 the public highways within New Mexico, measured from the point
24 of entering the state to the point of destination or place of
25 leaving the state;

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1 (2) when the gross vehicle weight or
2 combination gross vehicle weight exceeds twenty-six thousand
3 pounds and does not exceed fifty-four thousand pounds, [~~nine~~
4 ~~cents (\$.09)~~] twelve cents (\$.12) a mile for mileage to be
5 traveled on the public highways within New Mexico, measured
6 from the point of entering the state to the point of
7 destination or place of leaving the state;

8 (3) when the gross vehicle weight or
9 combination gross vehicle weight exceeds fifty-four thousand
10 pounds and does not exceed seventy-two thousand pounds, [~~eleven~~
11 ~~cents (\$.11)~~] fifteen cents (\$.15) a mile for mileage to be
12 traveled on the public highways within New Mexico, measured
13 from the point of entering the state to the point of
14 destination or place of leaving the state; and

15 (4) when the gross vehicle weight or
16 combination gross vehicle weight exceeds seventy-two thousand
17 pounds, [~~twelve cents (\$.12)~~] sixteen cents (\$.16) a mile for
18 mileage to be traveled on the public highways within New
19 Mexico, measured from the point of entering the state to the
20 point of destination or place of leaving the state.

21 C. The department, by regulation, shall establish a
22 procedure for the issuance of prepaid trip permits for:

23 (1) trips by a single vehicle or a fleet of
24 vehicles for the purpose of:

25 (a) custom harvesting operations; or

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(b) the transportation of goods or passengers between the state and Mexico; or
(2) any vehicle that is unable to declare at the time of entering the state the point of destination or place of leaving the state.

D. Prepaid trip permits established pursuant to Subsection C of this section shall be sold in increments of no less than fifty dollars (\$50.00). Any portion not used prior to one year from the date of issuance shall not be refundable. Prepaid trip permits shall not be transferable between a registrant, owner or operator and another registrant, owner or operator. Charges against the prepaid trip permit shall be based on the computations specified in Subsection B of this section."

Section 2. Section 66-3-302 NMSA 1978 (being Laws 1978, Chapter 35, Section 78, as amended) is amended to read:

"66-3-302. CARAVAN ~~[TAX]~~ FEE.--

A. ~~[No]~~ A person or ~~[any]~~ an employee, agent or representative of ~~[the]~~ that person shall not use the highways of New Mexico for the transportation of any vehicle, regardless of whether the vehicle is registered in another state or whether the vehicle is transported on its own wheels or on another vehicle or by being drawn or towed behind another, if the vehicle is transported by any person or the agents or employees of that person engaged in the business of

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1 transporting vehicles or if the [~~vehicles are~~] vehicle is being
2 transported for the purpose of delivery to any purchaser of the
3 [~~vehicles~~] vehicle on a sale or contract of sale previously
4 made, unless the vehicle carries:

5 (1) a valid New Mexico registration plate;

6 (2) a valid dealer's plate issued by the
7 department;

8 (3) a special permit for the use of the
9 highways of this state for the transportation of the vehicle in
10 the manner in which the vehicle is being transported, which has
11 first been obtained and the fee paid as specified in this
12 section; or

13 (4) a valid temporary transportation permit
14 issued under Subsection B of Section 66-3-6 NMSA 1978.

15 B. Special permits for the use of the highways of
16 this state for the transportation of such vehicles shall be
17 issued by the department upon application on the form
18 prescribed by the department and upon payment of a fee of
19 [~~seven dollars fifty cents (\$7.50)~~] ten dollars (\$10.00) for
20 each vehicle transported by use of its own power and a fee of
21 [~~five dollars (\$5.00)~~] seven dollars (\$7.00) for each vehicle
22 carried in or on another vehicle or towed or drawn by another
23 vehicle and not transported in whole or in part by the use of
24 its own power. A fee imposed pursuant to this section may be
25 referred to as a "caravan fee". Every permit shall show upon

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1 its face the registration number assigned to each vehicle, the
2 name and address of the owner, the manner of transportation
3 authorized and a description of the vehicle registered,
4 including the engine number. The permit shall be carried at
5 all times by the person in charge of the vehicle. A suitable
6 tag or placard for each vehicle may be issued by the department
7 and, if issued, shall be at all times displayed on each vehicle
8 being transported. [~~No such~~] The permit, tag or placard shall
9 not be used upon or in connection with the transportation of
10 any vehicle other than the one for which the permit, tag or
11 placard is issued.

12 C. [~~This tax~~] A caravan fee shall not apply to the
13 transportation of vehicles carried on another vehicle for the
14 operation of which a weight distance tax is paid, nor shall the
15 vehicle transported be required to carry a registration plate
16 or temporary transportation permits. The motor transportation
17 division of the department and the New Mexico state police are
18 authorized to impound any vehicle transported in violation of
19 the Motor Transportation Act until a proper permit has been
20 secured and any fine levied has been paid."

21 Section 3. Section 66-6-13 NMSA 1978 (being Laws 1978,
22 Chapter 35, Section 348) is amended to read:

23 "66-6-13. REDUCED FEES FOR PORTION OF YEAR--TEMPORARY
24 PERMITS--DRIVE-OUT PERMIT--FEE.--

25 A. Upon a showing satisfactory to the division that

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1 a vehicle has not been operated on the highways of this state:

2 (1) prior to April 1 of the year in which
3 registration is sought, the registration fee shall be three-
4 fourths of the annual fee;

5 (2) prior to July 1 of the year in which
6 registration is sought, the registration fee shall be one-half
7 of the annual fee; and

8 (3) prior to October 1 of the year in which
9 registration is sought, the registration fee shall be one-
10 fourth of the annual fee.

11 B. Upon a showing satisfactory to the division that
12 a nonresident who is the owner of a foreign vehicle is engaged
13 in seasonal agricultural employment in the state, the division
14 may issue a permit valid for thirty days upon payment of a
15 temporary permit fee of one-tenth of the annual registration
16 fee. This fee shall be in lieu of all other fees or taxes on
17 [~~such a~~] the vehicle.

18 C. Upon a showing satisfactory to the division that
19 an unlicensed vehicle has been purchased by a nonresident for
20 transportation out of the state, the division may issue a two-
21 day drive-out permit for a fee of [~~five dollars (\$5.00)]~~ seven
22 dollars (\$7.00).

23 D. The provisions of this section shall not apply
24 to house trailers, and the registration fees for house trailers
25 shall be as provided in Sections [~~64-6-3 and 64-6-10 NMSA 1953]~~

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1 66-6-3 and 66-6-10 NMSA 1978 regardless of date of
2 registration."

3 Section 4. Section 66-7-413 NMSA 1978 (being Laws 1978,
4 Chapter 35, Section 484, as amended) is amended to read:

5 "66-7-413. PERMITS FOR EXCESSIVE SIZE AND WEIGHT--SPECIAL
6 NOTIFICATION REQUIRED ON MOVEMENT OF MANUFACTURED HOMES.--

7 A. The department of public safety and local
8 highway authorities may, in their discretion, upon application
9 in writing and good cause being shown, issue a special permit
10 in writing authorizing the applicant to operate or move a
11 vehicle or load of a size or weight exceeding the maximum
12 specified in Sections 66-7-401 through 66-7-416 NMSA 1978 on a
13 highway under the jurisdiction of the state transportation
14 commission or local authorities. Except for the movement of
15 manufactured homes, a permit may be granted, in cases of
16 emergency, for the transportation of loads on a certain unit or
17 combination of equipment for a specified period of time not to
18 exceed one year, and the permit shall contain the route to be
19 traversed, the type of load to be transported and any other
20 restrictions or conditions deemed necessary by the body
21 granting the permit. In every other case, the permit shall be
22 issued for a single trip and may designate the route to be
23 traversed and contain any other restrictions or conditions
24 deemed necessary by the body granting the permit. Every permit
25 shall be carried in the vehicle to which it refers and shall be

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1 opened for inspection to any peace officer. It is a
2 misdemeanor for a person to violate a condition or term of the
3 special permit.

4 B. The department of public safety shall charge and
5 collect, when the movement consists of a load of a width of
6 twenty feet or greater for a distance of five miles or more,
7 the sum of three hundred dollars (\$300) a day or fraction
8 thereof to defray the cost of state or local police escort.
9 The permit issued and the fee charged shall be based upon the
10 entire movement at one time requiring police escort and not
11 upon the number of vehicles involved.

12 C. The department of public safety shall promulgate
13 rules in accordance with the State Rules Act pertaining to
14 safety practices, liability insurance and equipment for escort
15 vehicles provided by the motor carrier [himself] and for escort
16 vehicles provided by a private business in this state.

17 (1) The department of public safety shall
18 provide the escort personnel with a copy of applicable rules
19 and shall inspect the escort vehicles for the safety equipment
20 required by the rules. If the escort vehicles and personnel
21 meet the requirements set forth in the rules, the department of
22 public safety shall issue the special permit, but shall not
23 charge an escort fee. If [~~the motor carrier provides its own~~]
24 escort vehicles and personnel are provided by the motor
25 carrier, the department of public safety shall require that the

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1 motor carrier have a warrant issued by the public regulation
2 commission.

3 (2) The movement of vehicles upon the highways
4 of this state requiring a special permit and required to use an
5 escort of the type noted in Paragraph (1) of this subsection is
6 subject to department of public safety authority and inspection
7 at all times.

8 (3) The department of transportation shall
9 conduct engineering investigations and engineering inspections
10 to determine which four-lane highways are safe for the
11 operation or movement of manufactured homes without an escort.
12 After making that determination, the department of
13 transportation shall hold public hearings in the area of the
14 state affected by the determination, after which it may adopt
15 rules designating those four-lane highways as being safe for
16 the operation or movement of manufactured homes without an
17 escort. If a portion of such a four-lane highway lies within
18 the boundaries of a municipality, the department of
19 transportation, after obtaining the approval of the municipal
20 governing body, shall include such portions in its rules.

21 D. Except for the movement of manufactured homes,
22 special permits may be issued for a single vehicle or
23 combination of vehicles by the department of public safety for
24 a period not to exceed one year for a fee of two hundred fifty
25 dollars (\$250). The special permits may allow excessive

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1 height, length and width for a vehicle or combination of
2 vehicles or load thereon and may include a provision for
3 excessive weight if the [~~distance traveled by~~] weight of the
4 vehicle or combination of vehicles is [~~within a one hundred~~
5 ~~twenty-five mile radius of the origin of the trip~~] not greater
6 than one hundred forty thousand pounds. Utility service
7 vehicles, operating with special permits pursuant to this
8 subsection, shall be exempt from prohibitions or restrictions
9 relating to hours or days of operation or restrictions on
10 movement because of poor weather conditions.

11 E. Special permits for a single trip for a vehicle
12 or combination of vehicles or load thereon of excessive weight,
13 width, length and height may be issued by the department of
14 public safety for a single vehicle for a fee of twenty-five
15 dollars (\$25.00) plus the product of two and one-half cents
16 (\$.025) for each two thousand pounds in excess of eighty-six
17 thousand four hundred pounds or major fraction thereof
18 multiplied by the number of miles to be traveled by the vehicle
19 or combination of vehicles on the highways of this state.

20 F. If a vehicle for which a permit is issued
21 pursuant to this section is a manufactured home, the department
22 of public safety or local highway authority issuing the permit
23 shall furnish the following information to the property tax
24 division of the taxation and revenue department, which shall
25 forward the information:

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1 (1) to the county assessor of a county from
2 which a manufactured home is being moved, the date the permit
3 was issued, the location being moved from, the location being
4 moved to if within the same county, the name of the owner of
5 the manufactured home and the identification and registration
6 numbers of the manufactured home;

7 (2) to the county assessor of any county in
8 this state to which a manufactured home is being moved, the
9 date the permit was issued, the location being moved from, the
10 location being moved to, the name of the owner of the
11 manufactured home and the registration and identification
12 numbers of the manufactured home; and

13 (3) to the owner of a manufactured home having
14 a destination in this state, notification that the information
15 required in Paragraphs (1) and (2) of this subsection is being
16 given to the respective county assessors and that manufactured
17 homes are subject to property taxation.

18 G. Except as provided in Subsection H of this
19 section, if the movement of a manufactured home originates in
20 this state, a permit shall not be issued pursuant to Subsection
21 F of this section until the owner of the manufactured home or
22 the authorized agent of the owner obtains and presents to the
23 department of public safety proof that a certificate has been
24 issued by the county assessor or treasurer of the county in
25 which the manufactured home movement originates showing that

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1 either:

2 (1) all property taxes due or to become due on
3 the manufactured home for the current tax year or any past tax
4 years have been paid, except for manufactured homes located on
5 an Indian reservation; or

6 (2) liability for property taxes on the
7 manufactured home does not exist for the current tax year or a
8 past tax year, except for manufactured homes located on an
9 Indian reservation.

10 H. The movement of a manufactured home from the lot
11 or business location of a manufactured home dealer to its
12 destination designated by an owner-purchaser is not subject to
13 the requirements of Subsection G of this section if the
14 manufactured home movement originates from the lot or business
15 location of the dealer and the manufactured home was part of
16 the dealer's inventory prior to the sale to the owner-
17 purchaser; however, the movement of a manufactured home by a
18 dealer or the dealer's authorized agent as a result of a sale
19 or trade-in from a nondealer-owner is subject to the
20 requirements of Subsection G of this section whether the
21 destination is the business location of a dealer or some other
22 destination.

23 I. A permit shall not be issued pursuant to this
24 section for movement of a manufactured home whose width exceeds
25 eighteen feet with no more than a six-inch roof overhang on the

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1 left side or twelve inches on the right side in addition to the
2 eighteen-foot width of the manufactured home. Manufactured
3 homes exceeding the limitations of this section shall only be
4 moved on dollies placed on the front and the rear of the
5 structure.

6 J. The secretary of public safety may by rule
7 provide for movers of manufactured homes to self-issue permits
8 for certain sizes of manufactured homes over specific routes.
9 The cost of a permit shall not be less than twenty-five dollars
10 (\$25.00).

11 K. The secretary of public safety may provide by
12 rule for dealers of implements of husbandry to self-issue
13 permits for the movement of certain sizes of implements of
14 husbandry from the lot or business location of the dealer over
15 specific routes with specific escort requirements, if
16 necessary, to a destination designated by an owner-purchaser or
17 for purposes of a working demonstration on the property of a
18 proposed owner-purchaser. The department of public safety
19 shall charge a fee for each self-issued permit not to exceed
20 fifteen dollars (\$15.00).

21 L. A private motor carrier requesting an oversize
22 or overweight permit shall provide proof of insurance in at
23 least the following amounts:

24 (1) bodily injury liability, providing:

25 (a) fifty thousand dollars (\$50,000) for

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1 each person; and

2 (b) one hundred thousand dollars
3 (\$100,000) for each accident; and

4 (2) property damage liability, providing
5 twenty-five thousand dollars (\$25,000) for each accident.

6 M. A motor carrier requesting an oversize permit
7 shall produce a copy of a warrant or a single state
8 registration receipt as evidence that the motor carrier
9 maintains the insurance minimums prescribed by the public
10 regulation commission.

11 N. The department of public safety may provide by
12 rule the time periods during which a vehicle or load of a size
13 or weight exceeding the maximum specified in Sections 66-7-401
14 through 66-7-416 NMSA 1978 may be operated or moved by a motor
15 carrier on a highway under the jurisdiction of the state
16 transportation commission or local authorities.

17 O. Revenue from fees for special permits
18 authorizing vehicles and loads of excessive size or weight to
19 operate or move upon a highway under the jurisdiction of the
20 state transportation commission or local authorities shall be
21 collected for the department of transportation and transferred
22 to the state road fund."

23 Section 5. EMERGENCY.--It is necessary for the public
24 peace, health and safety that this act take effect immediately.